

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(124+239)

CRM-M-43405-2021 (O&M)
Date of Decision:- 07.02.2022

Manu Vashisht

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Lajpat Rai Sharma, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana for respondent No.1.

Mr. Dharampal, Advocate for respondent No.2.

...

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

CRM-1015-2022

Application is allowed as prayed for.

Compromise dated 09.09.2021 is taken on record as Annexure P-3.

CRM-M-43405-2021

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.17 dated 10.02.2018 registered for offences under Sections 323, 406, 498-A and 506 of the Indian Penal Code, 1860, at Women Police Station, Karnal, District Karnal, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise.

Counsel for the petitioners submits that the petitioner was married to complainant-respondent No.2 on 13.10.2011, there is no issue out of the wedlock, but due to temperamental differences, they could not pull along and have been residing separately since December, 2016. He

submits that the disputes between them have been settled by virtue of compromise dated 09.09.2021, Annexure P-3, and in terms of the compromise, a decree for divorce by mutual consent has been passed on 04.10.2021, Annexure P-2. Still further, he submits that the entire permanent alimony of Rs.31 lacs stands paid to the complainant-respondent No.2.

As per instructions received by the State counsel from SI Rajwanti, through there were four accused, but challan was filed against the husband-petitioner alone and charges have been framed against him. Upon further instructions, she submits that the statements of prosecution witnesses are yet to be recorded.

Counsel representing the complainant-respondent No.2 has admitted the factum of compromise as well as the statement made by the counsel for the petitioner.

Heard counsel for the parties.

Vide order dated 14.10.2021, this Court called for a report from the Trial Court/Illaq Magistrate regarding the genuineness of the compromise as also as to whether any P.O. proceedings are pending against any of the parties, after recording the statements of the parties. Report has been received and its relevant extract is as under:-

“Both the parties were asked as to whether the compromise has been arrived with their free consent. They got their separate statements recorded stating that the matter has been compromised out of their free volition and without any pressure or coercion from any side. After considering the oral submission and written statements made by the parties. I am satisfied that the compromise between the parties has been effected with their free volition and the same is not a result of any undue influence or coercion. Inspector-Rekha, Women Police Station, Karnal comes present in the Court and suffered the statement in writing that no PO proceedings are pending against any of the parties.”

Supreme Court in *Madan Mohan Abbot Versus State of Punjab (2008) 4 SCC 582* and in *Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543* has held that the High Court has wide power under Section 482 of the Code of Criminal Procedure, 1973 to quash an FIR or complaint having predominantly civil flavour or involving matrimonial offences and family disputes wherein the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In *Ramgopal and another Versus The State of Madhya Pradesh 2021 SCC Online 834*, Supreme Court has held that limited jurisdiction to compound an offence within the framework of Section 320 Cr.P.C. is not an embargo against invoking inherent powers by the High Court vested in it under Section 482 Cr.P.C.

Keeping in view the fact that the FIR is an outcome of matrimonial dispute, which has been settled and the marriage has been dissolved, this Court is of the view that continuation of the criminal proceedings will not serve any purpose, rather setting aside of the FIR would enable the parties to lead a peaceful life.

Accordingly, the petition is allowed. FIR No.17 dated 10.02.2018 registered for offences under Sections 323, 406, 498-A and 506 of the Indian Penal Code, 1860, at Women Police Station, Karnal, District Karnal, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

07.02.2022

Kamal

(SUVIR SEHGAL)

JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No